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15 IN THE UNITED STATES DISTRICT COURT
16
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 GERARDO PEREZ,

22 Defendant.

23 CASE NO. 1:21-CR-00185-JLT-BAM

24 STIPULATION TO VACATE STATUS
CONFERENCE DATE, SET THE MATTER FOR A
CHANGE OF PLEA, AND EXCLUDE TIME
PERIODS UNDER THE SPEEDY TRIAL ACT;
ORDER

25 DATE: January 24, 2024

26 COURT: Hon. Barbara A. McAuliffe

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28 STIPULATION

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status conference on January 24, 2024.

32 2. On January 8, 2024, the Court issued a Minute Order (Dkt. 106) directing the parties to
33 be prepared to set a trial date at the status conference. However, the parties request the Court allow
34 them to stipulate to and request a change of plea date of April 22, 2024 before the Honorable Jennifer L.
35 Thurston.

36 3. Based on the above-stated findings, the ends of justice served by continuing the case for a
37 change of plea as requested outweigh the interest of the public and the defendant in a trial within the
38 original date prescribed by the Speedy Trial Act.

39 4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,

1 within which trial must commence, the time period of January 24, 2024 to April 22, 2024, inclusive, is
2 deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance
3 granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice
4 served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. The parties agree and stipulate, and request that the Court find the following:

6 a) The government represents that the discovery associated with this case has been
7 provided. The government is aware of its ongoing discovery obligations.

8 b) The parties anticipate the defendant entering a change of plea on April 22, 2024.

9 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
10 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
11 must commence.

12 IT IS SO STIPULATED.

13 Dated: January 17, 2024

PHILLIP A. TALBERT
United States Attorney

15 /s/ KIMBERLY A. SANCHEZ
16 KIMBERLY A. SANCHEZ
17 Assistant United States Attorney

18 Dated: January 17, 2024

19 /s/ KEVIN ROONEY
20 KEVIN ROONEY
21 Counsel for Defendant
22 GERARDO PEREZ

23 **ORDER**

24 IT IS SO ORDERED that the status conference set for January 24, 2024, is vacated. A change of
25 plea hearing is set for **April 22, 2024, at 9:00 a.m. in Courtroom 4 before the District Judge Jennifer**
26 **L. Thurston.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

27 IT IS SO ORDERED.

28 Dated: January 18, 2024

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE